K 7

G. R. S. IX-5]

Previous references.

1896-97
~~191~~
(L R)

File No. 6

Serial Nos. 1-5.

Later references.

L R Dep 1170-30

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

M. ~~Part~~ B for

SUBJECT.

The lands submerged by the improvement of Chimangala Tank in the Siddaghatta Taluk

---

Condemnation

Indexed

Du

(B)

CHIEF SECRETARY'S OFFICE.

REVENUE BRANCH.

(3)

OFFICE NOTE.

SUBJECT. Regarding the lands submerged by the improvement of Chimangala tank, Reg^{d} No 565, in the Sidlaghatta Taluk, Kolar District.

LAST REFERENCE. Letter No. 2657/656 dated 14-1-1897 from the Dy Comr$_{r}$, Kolar Dt$_{t}$.

---

1. Improvements ~~accomplished~~ ~~to~~ to the Chimangala tank referred to which were commenced in 1888-89 ~~and~~ were completed in 1892-93. By raising the waste weir of the tank, lands as shown in the following Statement became Submerged.

Vide statement S. No 20 of the ver: file.

Village.	Total Extent of land submerged in each.	Particulars of the submerged lands.				
		Occupied.	Inam.	Kharab.	Banjar	Total.
	A. G.	A. G.	A. G.	A. G.	A. G.	A. G.
Chimangala.	8 — 4.	7 — 12.	———	0 — 32.	———	8 — 4.
Arikere.	5 — 37.	0 — 14	3 — 17	0 — 36	1 — 10.	5 — 37
Athiganhalli.	11 — 5.	2 — 32.	4 — 31.	1 — 9	2 — 13	11 — 5
Yannur.	14 — 22.	12 — 18.	1 — 4.	1 — 0	———	14 — 22.
Total.	39 — 28.	22 — 36.	9 — 12.	3 — 37.	3 — 23	39 — 28.

N. B. The sketch S. No 19. in the file gives the different S. Nos. of the lands submerged.

On being served with notices by the Amildar, all the holders of the

the submerged lands, excepting two, appeared before him, and stated that though their lands were liable to submersion, ~~submerged~~, yet the water remained there only for a few days when the tank was full, & that consequently there was no obstruction to cultivation, and requested that they might be permitted to retain their lands and cultivate them, paying the usual assessment. But two persons, the owners of A G 7-29 of submerged land, demanded compensation not only for the actual portion submerged but for the whole Survey Numbers. One of them, the owner of Survey No. 6 of Chimangala, measuring A G 3-16, (dry land), out of which an extent of A G 1-10 has been submerged, stated that the land was unfit for cultivation, as the same was quite close to the Kodi and as water stood on the submerged portion for ~~a~~ about 2 months, the remaining portion of the land viz A G 2-5 being full of pits caused by the removal

× Nos 8, 9 & 13/2 of the rev: file.

of earth for tank repairs. She further stated that she was willing to make over the land to Govt. on payment of compensation at the rate of Rs 15 per acre.

The other person who objects to retain his land is the owner of the marginally noted Survey Nos. Survey No. 9 has been wholly submerged, and out of Survey No. 12, an extent of ⊗A 5 – G 12 has been submerged, the total extent of land submerged out of the two numbers being A 6 – G 19. He stated that his land S. No. 12 was bought for Rs 510, that the bagayet yeilding good produce and the fertile portion of the dry land are liable to submersion while the remaining portion of the land is unfit for cultivation. He further stated that

Survey No 12 of Chimangala.
Extent. A. G.
12 - 10 dry.
1 - 1 Bagayet.
13 - 11

Survey No. 9 of Attiganhalli.
Extent A. G.
1 - 7. Bagayet

Survey No 12 -
⊗ Dry - 4 - 11.
Bagayet 1 - 1
Total - 5 - 12

that Survey No. 9 was bought together with some other lands for Rs 550, that there were some wells, built in stone, in his lands, which were rendered useless by the submersion, that there was a house attached to the land which was occupied by ryots who cultivated the land and that all the trees and plants in the bagayet Excepting one had died and requested that the price paid for the lands together with the expenses of the improvement of the land ~~xxxxxx~~ might be given to him. as compensation and the lands taken up by Government.

2. The Amildar ~~xxx~~ × reported that from one point of view it was objectionable to permit the continuance of cultivation as it would be allowing the bed of the tank to be cultivated

× No 1 of the ver: file

and as there was a probability of encroaching upon the old tank bld, owing to the destruction of bhands by water; but that from the other point of view, it was profitable to Govt; because, if at the request of the holders, they be permitted to cultivate their lands, there would be no necessity of paying compensation for all the lands, which would come up to a large sum. ~~So that is that bhands or dams might not~~ In order to preserve the Bhands, ~~bordas by proh by section, the~~ from destruction, the Amildar proposed to substitute Stone-bhands for earthen ones. Regarding the two persons who object to retain their lands, the Amildar stated that they could have understood that Govt would take up & not, ~~take away~~ ~~unnecessary~~

~~unnecessary portion of land,~~
~~not liable to submersion~~
that it was their own fault
to have left the land un-
cultivated, and that they
should therefore pay the assessment
on the lands left waste,
the assessment on the portion
submerged being treated as
remission. He further
reported that the assessment on
Survey No. 9
of Attiganhalli, which has
been fully submerged, ~~had~~
~~had not been brought on the accounts~~
~~because it was not conveniently obtainable.~~

~~The~~
3. Further information
being called for, the Amildar
reported that the tank was
overflowing every year since
the completion of its repairs
i.e. ~~since~~ 1892-93, that the
P. W. D authorities examined
the ~~tank~~ submerged lands
once in 1891-92 and again
in

× The assessment including cess on S. Nos 6 and 12 of Chimangala for 5 years is stated to be Rs 170/- out of which Rs 79-11-0 are proposed to be remitted on account of the submerged portion.

× No 2 of the ver file.

in the following year, that the submerged portions were demarcated from the rest by the Mojinidar, according to the tracing received from the Engineering Department, & that no notices had been served on the khatedars prohibiting them from cultivating their lands.

4. Thereupon Mr. C. Madiah, the [x] then Dy Comr ordered as follows :—

(1) that those who wished to retain their lands and cultivate them as water receded, might be allowed to do so;

(2) that the owner of Survey No. 6 of Chimangala might be permitted to make over the land to Govt as the said land was unfit for

[x] Last page of No. 2 of the ver: file.

Vide relevant order ✓

cultivation owing to pits dug for the removal of earth for repairing the tank;

(3) that the owner of Survey No. 12 of Chinangala ought to have cultivated the portion that was not submerged, as no notice prohibiting cultivation was given, that the portion submerged might be deducted from the whole area and the arrears of assessment due on the un-submerged portion must be recovered;

and (4) that the compensation and the alienation statements should be submitted.

5. The Amildar then reported × in reply that the Superintendent of Revenue Survey had directed

× Nos 3 & 4 of the ver: file.

a

a classer to demarcate the submerged portions of lands so that they might be treated as Kharab and added on to the tank bed, but that the classer ~~had also been~~ was informed that there was no necessity for any demarcation of the lands as all the holders excepting two wished to retain their lands.

6. The Dy Comr. then referred the matter to the Survey Supdt. who stated that it was not proper to allow any person to have rights over such lands and forwarded for information, a copy of his letter to the Secretary to Govt. regarding a similar question in connection with the Naravangala tank in the Tumkur Distrct. In this letter it is stated that permitting cultivation

× No 1099 D 24. 6. 1896. No 9 of linked file.

Please see Separate file put up for reference.

cultivation on lands submerged

by the tank is against Rule

XX (10) and (11) of the Land

Revenue Rules and that ~~to~~

~~would be~~ the interests of Govt

and of private persons will

be opposed to each other.

It will be observed from the accompanying file, that

~~Board~~, in the case of the Naravangala

tank, the lands were considered likely

to be submerged and were not

actually submerged, and besides,

the Chief Engineer recommended

the grant of the lands for

cultivation ~~would~~ & it was therefore

ordered that till the tank

was actually found to surplus,

cultivation be permitted

as a temporary measure

for a few years. But in

the case in question the lands

have been actually submerged

but

Vide No 12 of linked file.

but water generally recedes in a few days.

No. 2616/645 D 11-1-1897.

7. The Dy Comr. states that the authorities quoted by the Survey Supdt. viz Rule XX (10) and (11) of the Land Revenue Rules, prohibit the giving out of beds of tanks for cultivation newly, and that there is nothing to prevent the continuance of such cultivation under exceptional circumstances, if there be no objection to it on the score of the safety of the tank or if it be financially advantageous to Government. He further states that there is no dual or conflicting right in the matter as the ryots hold their lands without objection to the standing of water thereon and cultivate them when water recedes, that there is not much risk of silt being washed into the tank

SECRETARIAT
Registration
31 MAR 1897
Mysore P. W. Dept.

1897

tank by cultivation and that the Survey Superintendent has failed to consider the loss to Govt. in paying compensation for the lands, apart from the annual assessment received by allowing the lands to be held by ryots. The present Dy Comr therefore recommends that the arrangements proposed by Mr. C. Madiah, as shewn in para 4 of this note, may be sanctioned.

Submitted for orders.

Secretary

DD
2/3/97

R
2/3/97

10-2-Mr. Jamboo Nath
to Mysore G.O. 20
on the subject

DD
8-3-97

Sd. Rd 2nd Cr.

The cultivation of tank beds seems objectionable. It murders no difference whether they are old tank beds or are lands newly included therein. The whole of the portion lease to Government should be treated as Khanat. Q

RD 5th Cr.
11/3/97.

11-3-97

but we take the opinion of the Engineer regarding advisability or otherwise of storing cultivation or continuing it in the lands in question

Secy
22/3/97

Submitted for perusal
with reference to 2nd
Councillor's order at
the end of this office note
26/4/97

I quite agree with
Col Grant & Bowen.
Wonder of worry
is very sound -
The bed of the tank
must be defined
in the words of
Col Bowen as
comprising all the
land in the contour
within the
level line of the
raised bodie -
cultivation of such
land except under
the conditions
specified in the
new rule referred
to is illegal &
ought not to be
permitted. In
this new the
land form the
subject of the Kolar
Gp Govt must
be duly assessed
with the
amounts. Issue
a general printed order
as above for the
information of all &
[illegible]

1/5/97

Where in the Govt order of
14-2-97 quoted by
the D.R.O. ?
28/4/97

Submitted Secretary
28/4/97

Subject to 2nd.

Col Bowen is in
favor of treating the bed
of a raised tank in the
same way as that of
an old tank - He has
however no objection
to cultivation being
permitted [redacted]
beyond the water line
of the raised Kodi, i.e.
on the usual slope
which would be under
water only when the
Kodi is [redacted] - What
this slope is in the present
case is, does not seem
quite clear from the
record -

Gen. 31.]

1897

Cl. 4630
R 3322
JAN.

From The Deputy Commissioner
Kolar District

Rec'd
31 MAR. 1897
Mysore P. W. Dept.

To

The Secretary to the
Government ~~Dewan~~ of Mysore.
Rev: and Genl Depts.

Dated 11th January 1897
Despatched 13th
Received

General No. 2616
No. 645
Enclosure No.

Soliciting Sanction of the arrangements recommended by Mr. Wadiah with regard to the lands belonging to Chinangala, Arikuri, Attiganhalli and yanur villages, submerged by raising the Kodi of Chinangala Tank Registered No 565 Siddaghatta Taluk.

Rec 15.1.97

Put up Mem
Pets prepared
15/1

Kodi Registry
No 76/11 H.V. Blossom
Municipal

Kolar Deputy Commissioner's Office
Dated 11th January 1897

To The Secretary
to the Govt. of Mysore
Rev. & Genl. Depts:

Sir,

I have the honour to bring to the notice of Government that the improvements to the Chimangala Tank Registered no. 565 Sidlaghatta Taluk were commenced in 1888-89 and completed in 1892-93 by the D.P.W. By raising the Kodi of the Tank the marginally noted extent of lands belonging to Chimangala, Arikere, Attiganhalli and Yanur Villages has become submerged

Particulars	Extent	assessment
	A. G.	Rs. a. p.
Govt waste	8 — . — .	
" Kharab	7 . 20	61 — 12 — .
Govt occupied lands	22 - 36	3 - 4 — .
Personal Inam	1 . 24	14 — 4 — .
Service Inam	6 - 13	3 — 12 — .
Devadayam	1 - 15	
Total	39-28	91 — .

The holders of these lands excepting those of 7 acres 29 guntas specified in the margin requested that their lands might be allowed to stand in their Khata as they wished to cultivate the same as water receded

Villagewar details

Chimangala	8 . 4
Arikere	5 . 37
Attiganhalli	11 - 5
Yanur	14 . 22.
Total	39 . 28

	A. G	Asst
※ (a) Munegah	1 — 10	2
(b) Gundappah	6 - 19	20

The opinion of the Supdt. Revenue Survey was asked in this office no. 300 of 23d September 1896 as to the desirability of allowing the lands to remain in the ryots holding and the advantage thereby accruing to Govt. by the saving of payment of Compensation and receipt of Kundayam annually was urged for his consideration. In his reply the Supdt. considered it objectionable

objectionable to have any lands
subject to conflicting rights and
enclosed for information copy of his
letter No 1099 dated 24th June 1896 to
Government in reply to a reference
from Government relating to the
Cumbum District. In the absence
of the papers relating to the question
which arose in that District I
am unable to say how far the present
case resembles it or what view
the Government were pleased to take
on the Superintendent's letter. But with
all respect to Col. Grant I beg to
submit that while the authorities
quoted by him prohibit the giving
out of beds of tanks for cultivation
newly, there is nothing to prevent
continuance of such cultivation
under exceptional circumstances if
there be no objection to it on the
score of the safety of the tank or if
it be advantageous financially to
Government. There is no dual or
conflicting right in the matter —
the ryots hold the lands without
objection to the standing of tank water
thereon and cultivate the same when
the water recedes. Some of these lands
will be very profitable even as
mere grass lands and there is not
much risk of silt being washed
into the tank by their cultivation —
The Superintendent appears to have
failed to consider the loss on the other
side to Government in present pay-
ment of Compensation for these lands

even

With manure?

even omitting the assessment which will be received every year by allowing the lands to be held by the Ryots.

I beg therefore that Government will be pleased to sanction the arrangements recommended by Mr Madiah.- On receipt of their orders I shall be able to decide all the compensation payable for the 7 acres 29 guntas which the owners wish to give up

I have the honour to be
Sir
Your most obedt servt

M Krishnamurthy
for Deputy Commissioner
Kolar District

Compd. Instr

GOVERNMENT OF MYSORE
SECRETARY'S OFFICE
31 MAR 1897
MYSORE

Gen No 5

No 1099

Survey Superintendent's Office
Bangalore 24th June 1896

To,

The Secretary to the
Government of Mysore

Sir

I have the honor to acknowledge the receipt of your letter No. 8909 dated 27th March 1896 on the subject of certain lands stated by the Deputy Commissioner of the Tumkur District as likely to be submerged by the raising of the waste weir of the Navengala Tank in the Tumkur Taluk.

2 I am asked in your letter under

under reply to state my opinion as to why the lands likely to be submerged should not be left as they are, as regards assessment, dry assessment only being imposed on such of the land at present recorded as wet as may raise only dry crop.

3 The Deputy Comme states that the land in question is likely (sic) to be submerged but I presume there can be no doubt that when the waste weir of the tank is raised a certain extent of land will really be submerged and in fact become a portion of the tank bed. The Land

Revenue

Revenue Rules (see Rule XX (10)
strictly forbid the giving out for
cultivation of the beds of tanks
excepting in special reasons of
scarcity and even then on certain
stringent conditions. Even the
beds of breached tanks (Rule XX
(11)) can only be given out on
temporary rates. The present
proposal is in my opinion oppos
=ed to the Rules. I have quoted.
Apart, moreover, from the fact
of the retention of permanent
assessment on the bed of a
tank being against Rules it is
in my opinion undesirable
to retain a permanent assessment
on

on land the tenure of which and the profits from which would be so uncertain, the interests of Government and of the holders moreover would be diametrically opposed if there be any reason whatever for Land Revenue Rule xx (10 & 11) I would suggest that when it can be accurately ascertained how much land will be submerged a Survey be made including the portion to be submerged, in the tank and writing off the assessment accordingly.

I have &c
sd/ J. P. Grant
Supte Mysore Red Survey

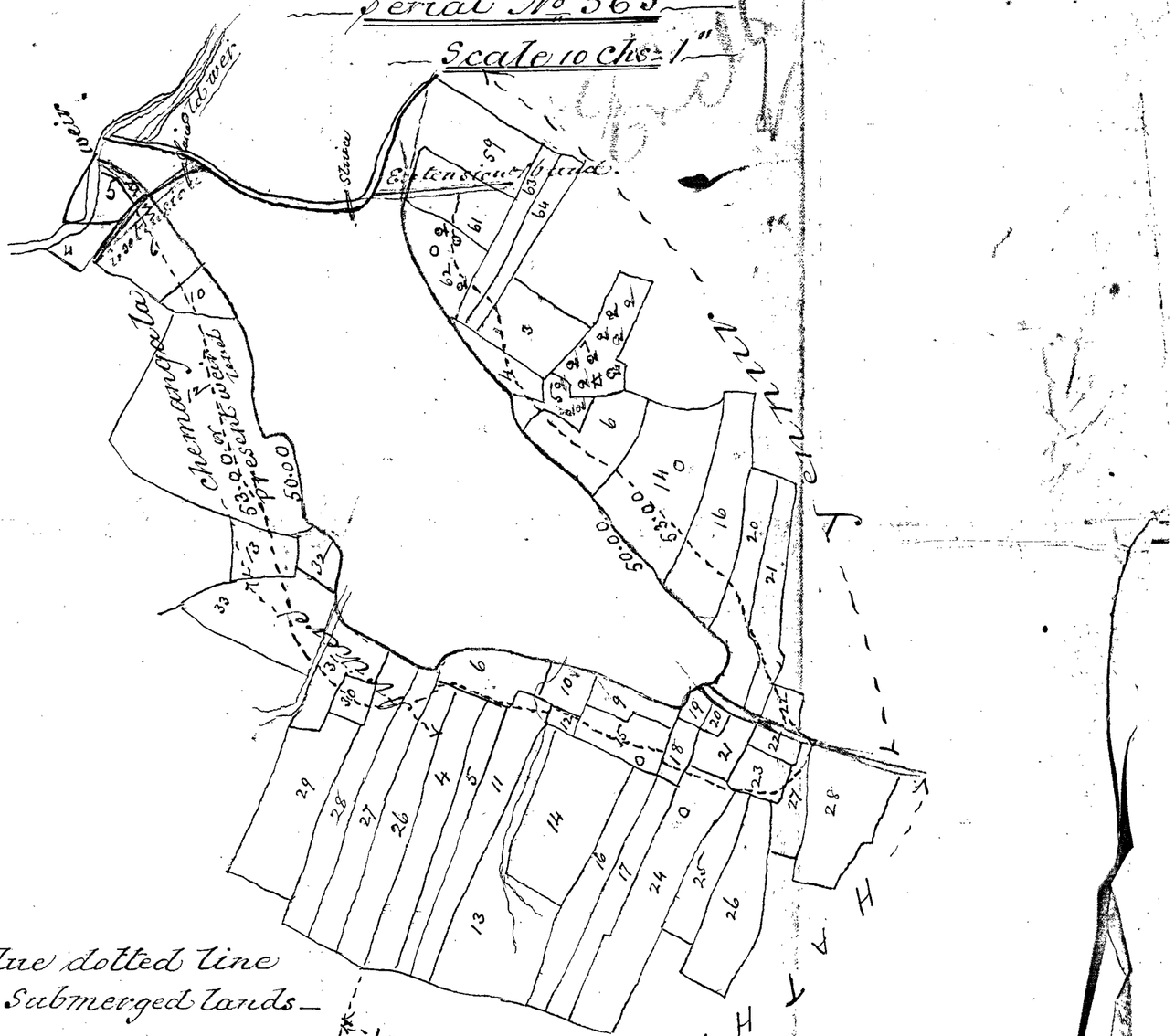
"Copy"
J. P. Grant
Supte Mysore Red Survey

Chimangala Tank

Sidlaghatta Taluk

Serial No. 565

Scale 10 Chs = 1"


Weir
Stone
Extension of bund
Chemangala
50.00
50.00
50.00

Gen. 31.]

189

REVENUE DEPARTMENT
Gl. No. 462
6-97 No. 3316
15 JAN. 97
DEWAN'S OFFICE

SECRETARY'S OFFICE
Received
31 MAR. 1897
Mysore P. Dept.

From

The Deputy Commissioner
Kolar District

To

The Secretary to the
Government ~~Dewan~~ of Mysore.
Revenue and General Departts
Bangalore.

Dated 14th
Despatched 14th
Received
January 1897

General No. 2657
No. 656

Enclosure No. 1 file

This office No. 2616/645 dated 11th January 1897.

In continuation of the above, has the honor to forward herewith the Vernacular records connected with the improvements to the Chemangala Tank Registered No. 565 Siddaghatta Taluk—

M Krishnamurthy
for Deputy Commissioner
Kolar District.

Rec
15.1.97

Sub Native Office note.

R 4938

GOVERNMENT OF MYSORE

31 MAR. 1897 Mysore

No. 8822 R. 2759 dated 22/3/97

Forwarded to the Chief Engineer for favour of opinion.

Secretary

Dear Revell

22/3/97

No. 1429 Dated 2/4/1897.

J.S.

To Supdt Engr G.C.

for favour of report

in view of G.O. dd 14.2.97

No 7338-46 / R 2451 which bears directly on a matter of the kind

15-75- A.C.E.

for Chief Engr

Rcd 3-4-97

No. 1043 with [illegible]

I think the Govt should protect those classes and ability this case, that more than will be taken submerged lands in their possession might be permitted but that "Kandoli" stones should be kept in the place of the present earthen "bandhs" to prevent encroachments on the old bed of the tank

11/4/97 Camp Kallambella

Jagannatha Rao Engr

SUPERINTENDING ENGINEER'S OFFICE REGD. No 988 2 APR. 1897 MYSORE P.W.D. SOUTHERN CIRCLE

GENERAL DEPARTMENT GENERAL OFFICE No. 7026 No. 4938 17 APR 1897 23

Dated April 1897.

G.O. No 246 dated 24 July 97 seems to me to cover all cases, & no exceptions should be allowed. The "Tank Bed" of a "Varied" Tank may be taken as bounded by the outer line of the Varied Cody, and should be treated just as old Tank Beds are treated. Also that line there will be a strip submerged only when the cody is spilling. on that strip cultivation may be permitted.

Camp Otty. 18—4—97

Chas Elliott Col. Chief Engr.

No.

To The Secretary to the Government of Mysore General & Revenue Depts with originals papers.

Submitted to Secretary

Rec'd 24-4-97

We The circumstances of the case are clearly explained and the Supdt Engr gives his opinion overleaf - Kindly see that your opinion is invited only on the point as to whether it is advisable to allow land liable to be submerged to be continued to be held on Pattah. I am still of opinion that the G.O. quoted by me clearly bears on this case and I agree with the Genl Secy in his Circ Letter of 11-3-97 herein (herewith returned) that the cultivation of Tank beds

17-4-97

(4) 345

Read:—

Letter No 2616/645 of 11th January 1897 and docket No 2657/656 of 14th January 1897 from the Dy Commr, Kolar District, regarding the cultivation of certain lands submerged by the raising of the waste weir of the Chimangala tank in the Sidlaghatta Taluk

Order

The Chimangala tank in the Sidlaghatta Taluk was improved by the P.W.D and its waste weir raised in 1892-93. Consequently ~~A G 39-28~~ Nos extent 39a-28g of land, as shewn in the margin, ~~was~~ submerged and the holders thereof, (excepting two) requested permission to retain their lands & cultivate them as the tank water receded, on the ground that ~~they~~ their lands remained under water

No 1086-95 / R 3548 dt 25/6/97

U.P. Endorsement sent on 7.8.97.

Letter pf. R-Nos 521/30 & R-Nos 236/06.

Village.	Particulars of lands Submerged.				
	Occupied	Inam	Kharab	Baiyar	Total.
	A G	A-G	A-G	A-G	A-G.
Chi-mangala	7-12	"	0-32	"	8-4
Arikure	0-14	3-17	0-36	1-10	5-37
Athiganhalli	2-32	4-31	1-9	2-13	11-5
Yennur	12-18	1-4	1-0	"	14-22
Total.	22-36	9-12	3-37	3-23	39-28

only for a few days when the tank was full. The other two individuals holding Survey nos. 6 and 12 of Chimangala village and of Survey no. 9 of Attiganahalli demanded compensation not only both for the portions actually submerged but also as well as for the whole of the numbers. The Dy Commr, Mr Madaiya, ordered that those who wished to retain and cultivate the submerged portions of their lands might be permitted to do so, that Survey no. 6 being unfit for cultivation owing to pits dug therein, might be taken over to Govt. & that the portion submerged out of Survey no. 12 might be struck off the Khata. Subsequently, the Dy Commr consulted the Survey Supdt, who stated that it was contrary to the provisions of the Revenue Rules to permit cultivation of the submerged

Lands, subject to conflicting rig...

2. Referring to the above, the Dy Commr states that there is no dual or conflicting right in the matter, that the ryots hold the lands without objection to the Standing of tank water thereon and cultivate the same when the water recedes, that some of the lands will be very profitable even as mere grass lands and there is not much risk of the silt being washed into the tank by the cultivation, and that the Survey Supdt has not considered the loss on the other side, to Govt in the payment of compensation for these lands in addition to the remission of assessment thereon every year.

3. The Chief Engineer, who was also consulted in the matter, is of opinion

that Govt Proc: No 7338-46 R 245-1
Dated 14th February 1897.—

deprecating the practice of
allowing private rights of
any kind to Spring up within
the beds of tanks in action,
being applicable to
all cases, no exception
should be allowed, that the
"tank bed" of a "raised" tank
may be taken as bounded
by the water line of the
raised body and should be
treated just like old tank beds,
that above such waterline
there will be a strip submerged
only when the body is spilling
that such strip may be
let out for cultivation.

4. Govt agree with the
Supdt of Revenue and the
Chief Engineer. The Govt
order cited above lays down a sound rule
The bed of a tank must be
defined in the manner suggested
by the Chief Engineer as
comprising all the land in
the contour within the level
line of the raised body.

cultivation of such land except under the conditions specified in para 10 of Rule XX of the L. Rev: Rules, is illegal & ought not to be permitted. In this view, the lands submerged by the Chinanga-la tank should be only acquired and treated as Kharab forming part of the tank bed, the assessment thereon being written off the accounts.

5. The Dy Commr is requested to submit proposals for the payment of compensation for the occupied lands including personal Inams, and for the grant of fresh lands to the holders of Service Inams.

31/5/97

Perut 2d (in order) yr ll. 5/6/97

29/5/97 Secretary

To
The Dy Commr Kolar with ll returning the enclosures.
" Dy Commrs of other distts.
" Supdt of Rev Survey
" Chief Engr in Mysore